

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7637 OF 2005

Vilas Babu Waghmare

...Petitioner.

V/s.

The State of Maharashtra & Ors.

...Respondents.

Shri.R.K. Mendadkar with Mrs.Helen Kali-Mandlik for the petitioner.

Shri.C.R. Sonawane for respondent Nos.1 to 4.

**CORAM : DR.S. RADHAKRISHNAN &
V.M. KANADE, JJ.**

DATED : 19/08/2006

P.C.:-

1. Heard the learned counsel for the applicant and the learned counsel for the respondents.

2. We have perused the petition. Petitioner is challenging the order of the Scheduled Tribe Certificate Scrutiny Committee invalidating the claim of the petitioner. We have perused the affidavit of one Sitaram Tatoba Bhalekar, Senior Research Officer attached to the office of the Deputy Director, Scheduled Tribe Caste Certificate Scrutiny Committee, Kokan Division, Thane. In the said affidavit dated 1st August, 2006 Sitaram Bhalekar,, has stated as under in para 5 and 6:-

"5. I say that the Scrutiny Committee has decided the case of the Petitioner mainly on the ground that the Petitioner's father's caste was found to be Hindu-Sonkoli and the said entry is of 10.4.1951.

6. I say that the School Leaving Certificate of the Petitioner's uncle is of 7.9.1922, which is earlier than the Petitioner's father's School entry. Hence, the Petitioner's tribe claim required to be re-considered afresh by the Scrutiny Committee by making School inquiry through Vigilance Cell attached to the Scrutiny Committee, particularly in respect of Shri Rama Gopal Waghmare, uncle of the Petitioner."

3. In view of the same, the impugned order of the Scrutiny Committee dated 21st May, 2004 stands quashed and set aside and the matter is remanded back to the said Committee for afresh hearing.

4. Learned counsel for the petitioner stated that the

petitioner will appear before the said Committee on 18th September, 2006 at 11.00 a.m. so as to enable the said Committee to fix schedule of hearing. The said Committee shall expeditiously decide the matter preferably in four months from 18th September 2006.

5. In view of the disposal of writ petition, no order on civil application No.2003/2006. Civil application stands dismissed.

(DR.S. RADHAKRISHNAN, J.)

(V.M. KANADE, J.)